

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
) CRIMINAL NO. 05-10113-DPW
 v.)
)
 REYLANDO REYES,)
 a/k/a REYLANDO RISE,)
 a/k/a RAYNALDO RISE,)
 a/k/a RAYLANDO RISE,)
 a/k/a RAY RISE.)

GOVERNMENT'S SUMMARY OF TESTIMONY TO
BE OFFERED UNDER FED. R. EVID. 702

The United States of America, by United States Attorney
Michael J. Sullivan and Assistant United States Attorney
Antoinette E.M. Leoney, pursuant to Fed. R. Crim. P. 16(a)(1)(G),
respectfully submits this summary of expert testimony it expects
to elicit at trial and the qualifications of the testifying
witnesses.

1. ATF Special Agent Philip C. Ball

A. Summary of Anticipated Testimony

Special Agent Angelo A. Thurman conducted an examination to determine the origin of the ammunition, namely, one round of .9mm caliber ammunition, bearing the headstamp of "WIN 9mm Luger," that the defendant is charged with unlawfully possessing.

Special Agent Ball is expected to testify that the one round of .9mm caliber ammunition, bearing the headstamp of "WIN" which stands for "Winchester" - the Olin Corporation, was manufactured in East Alton, Illinois, and therefore crossed state boundary lines prior to February 27, 2005.

B. Qualifications and Bases for Opinions

Special Agent Ball is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives in the City of Boston. As a Special Agent, his duties include the investigation of violations of the Gun Control Act of 1968 and the National Firearms Act of 1934. He primarily investigates the violations of the illegal possession of a firearm and ammunition by a felon and the illegal sale and trafficking of firearms and ammunition across state lines. He has been assigned to the Boston Field Division of the ATF for approximately 6 years. Prior to becoming an ATF Agent he was a Military Intelligence Officer in the United States Army and the Department of Defense.

Special Agent Ball was a United States Army Officer for 14 years and has been trained in the maintenance, care, and use of many different types of military and civilian firearms made throughout the world. Special Agent Ball has conducted training for foreign armies on basic rifle marksmanship, care, maintenance of small arms used by their country and the United States.

Special Agent Ball was assigned as a Vault Custodian where he has had to examine and inventoried over 100 firearms to verify their serial number, make and model. Among other duties that he is assigned as an ATF Special Agent, he is responsible for examining firearms and ammunition to determine their place of manufacture. As such, Special Agent Ball has access to the records of all licensed firearms and ammunition manufacturers in

the United States as well as all licensed firearms and ammunition importers in the United States.

Special Agent Ball has previously testified as a firearms expert in federal district court.

2. Boston Police Officer Martin Lydon

A. Summary of Anticipated Testimony

Officer Martin Lydon conducted a ballistics examination of the ammunition, namely, the one round of .9mm caliber ammunition, bearing headstamp "WIN 9mm Luger," that the defendant is charged with unlawfully possessing, and prepared a ballistics report for the ammunition (copies of which were provided to defense counsel as automatic discovery). Officer Lydon is expected to testify that the ammunition, namely, the one round of .9mm caliber ammunition, bearing headstamp "WIN 9mm Luger" is indeed ammunition.

B. Qualifications and Bases for Opinions

Officer Martin Lydon has been employed as a Police Officer by the Boston Police Department for approximately 19 years. During his first 12 years as a Boston Police Officer, Officer Lydon served as a Patrolman performing various jobs in District 4, including Mobile Patrol (responding to 911 calls), a Booking Officer (processing prisoners) and Clerking handling walk-ins at the front desk). Since September 8, 1999, he has been assigned to the Department's Ballistic Unit, where he currently works as a Firearms and Toolmarks Examiner. In the latter capacity he is

responsible for the following duties:

- (1) Responding to crime scenes and gathering ballistics evidence (e.g., spent bullets, spent shell casings, live ammunition, and firearms).
- (2) Processing ballistics evidence.
- (3) Test firing and examining any weapons that have been submitted to the unit, examining live ammunition, and comparing spent shell casings and bullets for toolmarks (to determine whether or not the the casings, and or bullets, were fired from the same weapon), and making determinations in regard to the evidence.
- (4) Giving testimony in Superior, Federal or District Court in regard to the evidence he has examined. Officer Lydon has testified as a Firearms/Toolmarks Examiner over 40 times in the following courts: Suffolk Superior Court, Boston Federal Court, Boston Municipal Court, Dorchester Court, Roxbury Court, West Roxbury Court, and Brookline Court.

Officer Lydon has received approximately 6 years of formal specialized training while assigned to the Ballistics Unit, which are summarized as follows:

- (1) Hands on training with comparison microscopes during which veteran firearms examiners taught him

how to recognize tool marks on spent bullets and shell casings and how to determine whether or not the markings were made by the same weapons. He has spent an estimated 400 hours on the microscope in this capacity.

- (2) Training in loading, unloading, and firing various weapons, and in the proper manner and conditions in which a weapon should be test fired.
- (3) He has been trained at six armorer schools. Three of these schools were 40 hour courses. All six armorer schools trained him in the assembly, disassembly, troubleshooting and repair of firearms. The schools he attended include: Glock (8 hours), Sigarms (24 hours), Smith and Wesson (40 hours), Ruger (40 hours), Remington Shotgun (8 hours), and Colt (40 hours).
- (4) He has also been trained in the process of fuming weapons and ammunition in preparation for the evidence to be examined by the Latent Prints Unit.

To date, Officer Lydon has worked on over 1,000 cases and has examined and/or test fired over 700 weapons (including revolvers and semi-automatic pistols, rifles and shotguns). These weapons include weapons he has examined and tested for other law enforcement agencies, including ATF, FBI, Randolph Police Department and Braintree Police Department. He has more

than 400 hours on the microscope during which time he has examined more than 1,500 spent shell casings and dozens of spent bullets of various calibers.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney

Date: July 21, 2006

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
July 21, 2006

I, Antoinette E.M. Leoney, Assistant U.S. Attorney, do hereby certify that I have this day served a copy of the foregoing, by electronic court filing notice, upon Stylianus Sinnis, Esq., Federal Defender Office, Boston, MA 02210.

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney